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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,093	01/16/2004	Shih-Lin Lee	MR2723-347	5268

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EXAMINER	
COHEN, AMY R	

ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,093	LEE, SHIH-LIN	
	Examiner	Art Unit	
	Amy R. Cohen	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rando (U. S. Patent No. 6,005,719) in view of Tompkins et al. (U. S. Patent No. 2,125,038).

Rando discloses a refined laser leveler, comprising: a fixed base (100) having a laser transmitter (102) and two conducting pieces mounted at a front end thereof (the laser device is electronic therefore, it would have conducting pieces mounted thereon to conduct power to the laser from the power supply, even though this is not specifically stated) and a power supplier mounted thereon for supplying power (the laser device is electronic therefore, it would have a power supply, even though this is not specifically stated); a controlling element (110) slidably mounted adjacent a front edge of said conducting pieces for selective control of configuration of a laser beam generated thereby (Col 6, lines 7-23), said controlling element (11) having at least one protruding block mounted at a back end thereof, a trigger block mounted at a front end thereof (Fig. 15), a hole (105) and a beam splitter (106, 108) mounted thereon, wherein said beam splitter comprises a vertical grating and a horizontal grating (Figs. 16 and 17 and Col 6, lines 23-53); and a case (100) for covering said fixed base and said controlling element and having an opening located at a position corresponding to said controlling element for sliding said controlling element in said opening (Fig. 15 and Col 6, lines 7-23); thereby different types of checking beams including a spot beam, a vertical beam, and a cross beam are respectively

produced through a three-section control of a slide of said controlling element (Figs. 15-17 and Col 6, lines 7-53).

Rando discloses the refined laser leveler wherein a plurality of trigger blocks are formed on said controlling element (Fig. 15).

Rando discloses the refined laser leveler wherein said vertical grating is mounted at one of an upper half and a lower half of said light splitter, and said horizontal grating is mounted at the other of said upper and lower halves of said light splitter (Fig. 15 and Col 6, lines 23-34).

Rando discloses the refined laser leveler wherein said controlling element comprises a positioning groove formed at each of two sides thereof (groove is considered to be on each side of extending level 112 on controlling element 110, Fig. 15).

Rando discloses the refined laser leveler wherein said case comprises a sliding trough at each of two sides thereof (Fig. 15, space created for sliding of the controlling element).

Rando does not disclose a refined laser leveler wherein said controlling element is for concurrent selective control of said laser transmitter actuation and configuration thereby; said protruding block in a first position deflecting at least one of said conducting pieces to contact the other, and in a second position being spaced from said conducting pieces, whereby actuation of said laser transmitter is selectively enabled; wherein the power supply is specifically a battery; wherein said case comprises a sliding trough at each of two sides thereof and a plurality of wedging blocks mounted in said sliding trough for positioning said controlling element.

Tompkins et al. discloses a light generating device (Fig. 1), comprising a fixed base (25) having a light transmitter (40) and two conducting pieces (34, 43) mounted at a front end thereof (Fig. 3) and a power supplier (26) mounted thereon for supplying power (Fig. 2); a controlling element (47, 48) slidably mounted adjacent a front edge of said conducting pieces for concurrent

selective control of said light transmitter actuation and configuration of a light beam generated thereby (Col 1, lines 1-30), said controlling element having at least one protruding block (46) mounted at a back end thereof, a trigger block mounted at a front end thereof (trigger block is the button 47); said protruding block in a first position deflecting at least one of said conducting pieces to contact the other, and in a second position being spaced from said conducting pieces, whereby actuation of said light transmitter is selectively enabled (Figs. 1, 3, 4 and Col 3, line 50-Col 4, line 41); and a case (25) for covering said fixed base and said controlling element and having an opening (50) located at a position corresponding to said controlling element in said opening; wherein said power supplier is a battery mounted at a back end of said conducting piece for supplying power (Col 3, lines 50-66); wherein said case comprises a sliding trough (50) at each of two sides thereof; and a plurality of wedging blocks (51, 53, 45) mounted in said sliding trough for positioning said controlling element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the refined laser leveler of Rando to have concurrent selective control of said laser transmitter actuation and configuration, as taught by Tompkins et al., in order to reduce the number of switched on the refined laser leveler allowing a user to more easily actuate and control the laser beam emitted from a single switch.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rando and Tompkins et al. as applied to claims 1, 2, 8-11 above, and further in view of Jehn (U. S. Patent No. 5,446,635).

Rando and Tompkins et al. disclose the refined laser leveler as described above in paragraph 2.

Rando and Tompkins et al. do not disclose the refined laser leveler wherein the fixed base comprises a light bulb mounted at said front end and a switch mounted at a side end for controlling said light bulb.

Jehn discloses a refined laser leveler wherein the fixed base comprises a light bulb (143) mounted at said front end and a switch mounted at a side end for controlling said light bulb (Col 2, lines 57-63 and Col 3, lines 44-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the refined laser leveler of Rando and Tompkins et al. to include a light bulb, as taught by Jehn, so that a user would have a visual indication that the laser of the leveler was powered on.

4. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rando and Tompkins et al. as applied to claims 1, 2, 8-11 above, and further in view of Goodrich et al. (U. S. Patent No. 6,502,319).

Regarding claims 4 and 5: Rando and Tompkins et al. disclose the refined laser leveler as described above in paragraph 2.

Rando and Tompkins et al. do not disclose the refined laser leveler wherein said case comprises a magnetic object mounted at a bottom surface thereof for being attracted on a platform; wherein said magnetic object is a magnet.

Goodrich et al. discloses a refined laser leveler (22) wherein said case comprises a magnetic object mounted at a bottom surface thereof for being attracted on a platform (Figs. 10 and 11, Col 1, lines 50-60 and Col 3, lines 22-31); wherein said magnetic object is a magnet (45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the refined laser leveler to include a magnet, as taught by Goodrich et al., so

that the laser leveler could emit a laser beam on various magnetic surfaces at various angles (Goodrich et al., Col 1, lines 50-60 and Col 3, lines 22-31).

Regarding claims 6 and 7: Rando and Tompkins et al. disclose the refined laser leveler as described above in paragraph 2.

Rando and Tompkins et al. do not disclose the refined laser leveler wherein said fixed base comprises at least a level bubble calibrator mounted at a top thereof; wherein said at least a level bubble calibrator is two perpendicular bubble calibrators mounted.

Goodrich et al. discloses a refined laser leveler wherein said fixed base comprises at least a level bubble calibrator mounted at a top thereof (Figs. 10 and 11); wherein said at least a level bubble calibrator is two perpendicular bubble calibrators mounted (46, 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the refined laser leveler to include at least a level bubble calibrator, as taught by Goodrich et al., so that a user would be able to visually determine if the refined laser leveler was mounted level to a surface.

Response to Arguments

5. Applicant's arguments with respect to claims 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose light generating devices Kibler (U. S. Patent No.

5,826,971), Halsey et al. (U. S. Patent No. 5,788,359), and Baloochi (U. S. Patent No. 5,171,086).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

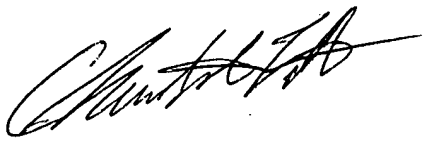
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
February 23, 2005



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